

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Anthony Lavelle Edwards,

Case No. 20-cv-1144 (JRT/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Paul Schnell, et al.,

Defendants.

In an order dated July 1, 2020, this Court ordered Plaintiff Anthony Lavelle Edwards “to either (1) provide a corrected Certificate of Authorized Prison Official ‘obtained from the appropriate official of each prison at which [Edwards] is or was confined,’ or (2) pay this action’s filing fee.” See Order 3, ECF No. 4 (quoting 28 U.S.C. § 1915(a)(2) (brackets in Order)). The Court gave Edwards until July 22, 2020, to perform one of these two options, failing which the Court would recommend dismissing this action without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Edwards has not provided a corrected certificate or paid this action’s filing fee. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”). Furthermore, the Court also recommends that Edwards’s motion to proceed in forma pauperis (ECF No. 3) be denied as moot.

RECOMMENDATION

Based upon the foregoing, and on all the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED:

1. This action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.
2. Plaintiff Anthony Lavelle Edwards's Application to Proceed in District Court Without Prepaying Fees or Costs, ECF No. 3, be **DENIED** as moot.

Dated: August 4, 2020

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).